

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL MEMORANDUM

SB 261 – HB 596

April 6, 2009

SUMMARY OF AMENDMENT (005832): Deletes all language after the enacting clause. Effective July 1, 2009, requires all statements made by a person during a custodial interrogation relating to any murder in the first degree to be electronically recorded and preserved. Establishes the procedure for authenticating an electronic recording of a custodial interrogation.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Not Significant

Increase Local Expenditures - \$10,600/FY09-10*
\$6,000/FY10-11 & Subsequent Years*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

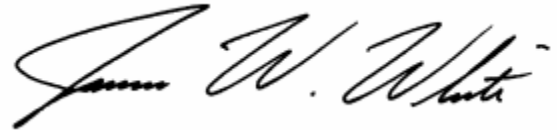
- According to the Comptroller's Office of the Treasury, approximately 57 percent (228) of local law enforcement agencies do not have recording equipment for custodial interrogations. Recording devices can be purchased for approximately \$20 and a box of tapes can be purchased for \$15. One-time expenditures for local governments for recording equipment is estimated at \$4,560 (228 x \$20 = \$4,560) plus \$3,420 for tapes (228 x \$15). A box of tapes for each of the 172 local agencies that already have the recording devices at \$2,580 (172 x \$15). Total one-time local expenditures of \$10,560 (\$4,560 + \$3,420 + \$2,580).
- Recurring local expenditures of \$6,000 (400 x \$15) for tapes. The cataloging, storage, and preservation costs are estimated to be not significant.
- Having recordings available may result in an increase in motions to suppress statements, but the increase is estimated to be not significant. The amount of time spent in court resolving disputes over interrogations

would be reduced thereby allowing for a more timely adjudication of cases at both the trial and appellate level.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc